

**PLANNING COMMISSION
COUNTY OF MONTEREY, STATE OF CALIFORNIA**

RESOLUTION # 04053

A.P. # 009-562-035-000
009-562-036-000
009-562-037-000
009-562-038-000

In the matter of the application of
Carmel Valley Partners (PLN020032)

FINDINGS & DECISION

for a Combined Development Permit in accordance with Title 21 (Zoning) Chapter 21.76 of the Monterey County Code, consisting of 1) a General Development Plan Amendment for extensive remodeling of the Crossroads Shopping Village and Mall area (Section 21.18.030); 2) an Administrative Permit for demolition of the existing grocery store and movie theater buildings, construction of a 53,250 sq. ft. stand-alone grocery store, removal and reconfiguration of landscaped areas, and a reduction of 10 parking spaces (Section 21.18.050); 3) a Use Permit for development within 200 feet of the Carmel River Bank involving the removal and replacement of 370 lineal feet of the Carmel River Levy and 3,193 yds.³ of excavation, (subject to Section 21.64.130 for work done in LC-D-S zoned portions of the property); 4) Design and Site Plan approval; and 5) Grading of approximately 25,000 yds.³ of fill; as described above, portions of the proposed development activity are within recorded scenic easements held by the County of Monterey. The property is located at 243 Crossroads Boulevard, Carmel, Carmel Valley Master Plan area, came on regularly for meeting before the Planning Commission on November 17, 2004.

Said Planning Commission, having considered the application and the evidence presented relating thereto,

FINDINGS OF FACT

- 1. FINDING:** The proposed project and/or use, as described in Condition #1 is consistent with the policies of the Monterey County General Plan, the Carmel Valley Master Plan and the requirements and standards of the Monterey County Zoning Ordinance (Title 21).

EVIDENCE: The text and policies of these documents have been evaluated during the course of the review of this application. No conflicts were found to exist.

EVIDENCE: Project planner conducted on-site inspections in April, May, and December of 2002 and numerous other occasions to verify that the project on the subject parcel conforms to the plans listed above. Staff notes regarding the site visit are in PBI File No. PLN020032.

EVIDENCE: The use/project, which is a remodel and expansion of an existing commercial shopping center, is an allowed use in accordance with County Code Sections 21.18.040, 21.18.050, 21.44, 21.45, and 21.70.

EVIDENCE: The parcel is zoned Light Commercial, Design Control, and Site Plan Review District (LC-D-S). The project is in compliance with Site Development Standards in accordance with 21.18.070 of Title 21.

EVIDENCE: The proposed materials, colors, and treatments are consistent with the present design of the Crossroads Boulevard shops to the east of Longs, the Mall, and Safeway. The Crossroads Boulevard shops are not planned for remodel.

EVIDENCE: The project has been designed so that more customer parking will be available in close proximity to the entrances of the main anchors (Safeway and Longs) compared to existing conditions. Adequate parking spaces are proposed to remain to serve the entire shopping center as proposed in accordance with Chapter 21.58 of the County Code (894 parking spaces required; 996 parking spaces proposed).

EVIDENCE: The project, as conditioned, is consistent with Policy 16.2.4 of the Monterey County General Plan in that the development, including filling, grading and construction within the designated 100-year floodplain areas conforms to the guidelines of the National Flood Insurance Program and policies established by the County Board of Supervisors, with the advice of the Monterey County Flood Control and Water Conservation District. Flood level is at 27.3 feet MSL. Section 16.16.05.C.3. of the County Code Requires the lowest floor to be above the base flood elevation. The Monterey County Water Resources Agency has required that the placement of the new grocery store structure and utilities achieve a minimum finished floor elevation of 27.5 feet above mean sea level.

EVIDENCE: Staff has proposed conditions of approval / mitigation measures to preserve several of the mature oak trees and two pines that have matured with the 37-year-old commercial center to enhance a sense of continuity with existing desirable visual resources present at the center in keeping with the purposes of the Site Plan Review Zoning District, Chapter 21. 45.010 and 21.45.040.

2. **FINDINGS:** The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision and any other applicable provisions of the County's zoning ordinance. No violations exist on the property, and all zoning violation abatement cost, if any, have been paid.

EVIDENCE: Staff reviewed Monterey County Planning and Building Inspection Department records and is not aware of any violations that exist on subject property.

3. **FINDING:** The project is consistent with Policy 16.2.11(CV) of the County of Monterey General Plan, which states that new development in the flood prone area shall be restricted until the flood hazard is controlled.

EVIDENCE: According to the Monterey County Water Resources Agency (WRA), recent levy modifications near the Odello Ranch upstream from the project site have lessened the potential for flooding along the lower Carmel River.

4. **FINDING:** The project is consistent with Policy 28.1.8 of the Carmel Valley Master Plan which states that areas designated for commercial development in the valley should be placed in design control districts, have planted landscaping covering no less than 10% of the site, and provide adequate parking.

EVIDENCE: The plans indicate that 17.5% of the Site will be landscaped. The project would result in a total of 996 parking spaces in the shopping center compared to 894 parking spaces required (based upon one parking space/250 square feet of floor area) as required by Section 21.58.040 of the Monterey County Zoning Ordinance.

5. **FINDING:** The project is consistent with Policy 39.3.2.1 of the Carmel Valley Master Plan, which requires the implementation of traffic improvements along Carmel Valley Road.
- EVIDENCE:** Mitigation Measures 28-31 require the applicant to pay the following fees: the pro-rata share of a future traffic signal at Rio Road and Carmel Rancho Boulevard, the Carmel Valley Road Traffic Impact Mitigation Fee according to the new square footage added to the center, the pro-rata share for short-term improvements to State Highway One Climbing Lane, and the pro-rata share of future long-term improvements to Highway One.
6. **FINDING:** The site is suitable for the use proposed.
- EVIDENCE:** The site has been used as a fully developed shopping center for 37 years.
- EVIDENCE:** The project has been reviewed by the Monterey County Planning and Building Inspection Department, Water Resources Agency, Carmel Valley Fire Department, Public Works Department and Environmental Health Division. There has been no indication from those agencies that the site is not suitable. There are no physical or environmental constraints such as geologic or seismic hazard areas, environmentally sensitive habitats, or similar areas that would indicate the site is not suitable for the use proposed.
- EVIDENCE:** See Evidence for Findings #1-5 above.
7. **FINDING:** The proposed project, including all permits and approvals, will not have significant adverse impacts on the environment. A revised Mitigated Negative Declaration has been prepared and is on file (File# PLN020032) in the Department of Planning and Building Inspection, Coastal Offices (File # IS2_PLN020032 Final 9_17_04). All mitigation measures identified in the Initial Study and Mitigated Negative Declaration and all project changes required to avoid significant effects on the environment have been incorporated into the approved project or are made conditions of approval. A Program for Monitoring and/or Reporting on Conditions of Approval (hereafter "the Program") has been prepared pursuant to Public Resources Code 21081.6 and is made a condition of approval. The Program is attached hereto and is incorporated herein by reference. Potential environmental effects have been studied, and there is no substantial evidence in the record, as a whole, that supports a fair argument that the project, as designed, may have a significant effect on the environment. The Mitigated Negative Declaration reflects the independent judgment and analysis of the County based upon the findings and conclusions drawn in the Initial Study and the testimony and information received, and scientific and factual data presented as evidence during the public review process. The Monterey County Planning and Building Inspection Department, 2620 1st Avenue, Marina, CA 93933, is the custodian of the documents and the materials that constitute the record of proceedings upon which the adoption of the Mitigated Negative Declaration is based.
- EVIDENCE:** The application, plans, and support materials submitted by the project applicant to the Monterey County Planning and Building Inspection Department for the proposed development, found in the project file.
- EVIDENCE:** County staff prepared an Initial Study for the project in compliance with the California Environmental Quality Act (CEQA) and its Guidelines. The Initial Study provided substantial evidence that the project would not have significant environmental impacts. A Mitigated Negative Declaration was filed with the County Clerk on December, 30, 2002. The following evidence has been received and considered: all comments on the Initial Study; evidence in the record that includes studies, data and reports supporting the Initial

Study; additional documentation requested by staff in support of the Initial Study findings; information presented during public hearings; staff reports that reflect the County's independent judgment and analysis regarding the above referenced studies, data and reports; application materials, and expert testimony. Among the studies, data and reports analyzed as part of the environmental determination are the following:

- a. Geotechnical Investigation - Design Level Report for the Safeway Relocation Project. Haro, Kasunich, and Associates, Inc. March, 2002.
- b. Biological Report. Vernal L. Yadon. February 22, 2002.
- c. Archeological Report. Archeological Consulting. February 22, 2002.
- d. Crossroads Shopping Center Expansion Traffic Study, Final Draft. Higgins Associates. December 18, 2001.
- e. Memorandum from Dan Takacs, Higgins Associates, to the applicant (Ray Parks) regarding Crossroads Shopping Center Expansion Project Traffic Impact Fee Calculation. September 30, 2002.
- f. Letter from Chris Shaeffer, CalTrans, to Monterey County Planning. July 17, 2002.
- g. Responses to Comments from CalTrans regarding the Crossroads Shopping Village Remodel/Safeway Expansion. Higgins' Associates. August 6, 2002.
- h. Drainage and Erosion Control Letter from WWD Corporation. March 5, 2002.
- i. Letter to Ray Parks addressing "River Levee Adjacent to Proposed Safeway Relocation" from Haro, Kasunich, and Associates, Inc. dated January 21, 2003, received by County of Monterey September 2, 2004.
- j. CLOMR. "Request for Letter of Map Revision for Carmel River North Overbank, County of Monterey, California NFIP Community Panel No 060195 0180#" to FEMA Map Coordination Contractor, Alexandria Virginia, from Balance Hydrologics, Inc., dated May 1 2003.
- k. Letter to Ray Parks addressing "Alternative Recommendations to Mitigate River Levee Instability and to Reduce Total and Differential Settlements" from Haro, Kasunich, and Associates, Inc. dated July 10, 2003, received by County of Monterey September 2, 2004.
- l. Letter to Ray Parks addressing "Summary of Geotechnical Addendums and Amendments to *Geotechnical Investigation Design Level Report for the Safeway Relocation Project. Haro, Kasunich, and Associates, Inc. March, 2002* from Haro, Kasunich, and Associates, Inc. dated March 16, 2004, received by County of Monterey September 2, 2004.
- m. An Amended Biological Report for the Crossroads Remodel and Addition, 243 Crossroads Blvd., Carmel California 93923 APN 009-562-034, 35, 36, by Vernal L. Yadon, Dated August 31, 2004.

- n. A Revegetation Plan for a Reconstructed Levee at the Crossroads Shopping Center, 243 Crossroads Blvd., Carmel California 93923 APN 009-562-034, 35, 36, by Vernal L. Yadon, Dated August 31, 2004.

EVIDENCE: The Mitigation Monitoring and Reporting Program, prepared and required pursuant to Section 21081.6 of the Public Resources Code, is made a condition of approval and is designed to ensure compliance during project implementation.

EVIDENCE: Studies, data and reports prepared by staff from various County departments including Planning and Building Inspection, Public Works, Environmental Health and Monterey County Water Resources Agency support the adoption of the Mitigation Negative Declaration for the project.

DECISION

THEREFORE, it is the decision of the Planning Commission that said application for a Combined Development Permit be granted as shown on the attached sketch, subject to the attached conditions.

PASSED AND ADOPTED this 17th day of November 2004, by the following vote:

AYES: Errea, Sanchez, Hawkins, Padilla, Parsons, Rochester, Wilmot
NOES: Diehl, Vandever
ABSENT: Salazar

JEFF MAIN, SECRETARY

COPY OF THIS DECISION WAS MAILED TO THE APPLICANT ON

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE CLERK TO THE BOARD OF SUPERVISORS ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE

This decision, if this is the final administrative decision, is subject to judicial review pursuant to California Code of Civil Procedure Sections 1094.5 and 1094.6. Any Petition for Writ of Mandate must be filed with the Court no later than the 90th day following the date on which this decision becomes final.

NOTES

1. You will need a building permit and must comply with the Monterey County Building Ordinance in every respect.

Additionally, the Zoning Ordinance provides that no building permit shall be issued, nor any use conducted, otherwise than in accordance with the conditions and terms of the permit granted or until ten days after the mailing of notice of the granting of the permit by the appropriate authority, or after granting of the permit by the Board of Supervisors in the event of appeal.

Do not start any construction or occupy any building until you have obtained the necessary permits and use clearances from the Monterey County Planning and Building Inspection Department office in Salinas.

2. This permit expires two years after the above date of granting thereof unless construction or use is started within this period.

**Monterey County Planning and Building Inspection
Condition Compliance and/or Mitigation Monitoring
Reporting Plan**

Project Name: *Crossroads Shopping Village Remodel and Expansion*
File No: PLN020032 **APNs:** 009-562-035-000, 009-562-036-000, 009-562-037-000 and 009-562-038-000
Approval by: *Planning Commission* **Date:** *November 17, 2004*

**Monitoring or Reporting refers to projects with an EIR or adopted Mitigated Negative Declaration per Section 21081.6 of the Public Resources Code.*

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
1		<p>PBD029 - SPECIFIC USES ONLY A Combined Development Permit consisting of:</p> <ol style="list-style-type: none"> 1) A General Development Plan Amendment for extensive remodeling of the Crossroads Shopping Village and Mall (Section 21.18.030); 2) An Administrative Permit for demolition of the existing grocery store and movie theater buildings, construction of a 53,250 sq. ft. stand-alone grocery store, removal and reconfiguration of landscaped areas, and a reduction of 10 parking spaces (Section 21.18.050); 3) A Use Permit for development within 200 feet of the Carmel River bank involving the removal and replacement of 370 lineal feet of the Carmel River levy and 3,193 yds.³ of excavation, (subject to Section 21.64.130 for work done in LC -D-S zoned portions of the property); 4) Design and Site Plan Approval; and 5) Grading of approximately 25,000 yds.³ of fill. <p>The property is located at 243 Crossroads Boulevard, Carmel. (Assessor's Parcel Numbers 009-562-035-000, 009-562-036-000, 009-562-037-000 and 009-562-038-000). Carmel Valley Master Plan Area. This permit was approved in accordance with County ordinances and land use regulations subject to the following terms and conditions. Neither the uses nor the</p>	Adhere to conditions and uses specified in the permit.	Owner/ Applicant	Ongoing unless other-wise stated	

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
		construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of Planning and Building Inspection. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. (Planning and Building Inspection)				
2		PBD025 - NOTICE-PERMIT APPROVAL The applicant shall record a notice that states: "A permit (Resolution 04053) was approved by the Planning Commission for Assessor's Parcel Numbers 009-562-035-000, 009-562-036-000, 009-562-037-000, and 009-562-038-000 on November 17, 2004. The permit was granted subject to 18 conditions of approval and 36 Mitigation Measures, which run with the land. A copy of the permit is on file with the Monterey County Planning and Building Inspection Department." Proof of recordation of this notice shall be furnished to the Director of Planning and Building Inspection prior to issuance of building permits or commencement of the use. (Planning and Building Inspection)	Proof of recordation of this notice shall be furnished to PBI.	Owner/ Applicant	Prior to Issuance of grading and building permits.	
3		PBD016 - INDEMNIFICATION AGREEMENT The property owner agrees as a condition and in consideration of the approval of this discretionary development permit that it will, pursuant to agreement and/or statutory provisions as applicable, including but not limited to Government Code Section 66474.9, defend, indemnify and hold harmless the County of Monterey or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees to attack, set aside, void or annul this approval, which action is brought within the time period provided for under law, including but not limited to, Government Code Section 66499.37, as applicable. The property owner will reimburse the county for any court costs and attorney's fees, which the County may be required by a court to	Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to PBI.	Owner/ Applicant	Upon demand of County Counsel or concurrent with the issuance of building permits.	

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
		pay as a result of such action. County may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his obligations under this condition. An agreement to this effect shall be recorded upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, filing of the final map, whichever occurs first and as applicable. The County shall promptly notify the property owner of any such claim, action, or proceeding and the County shall cooperate fully in the defense thereof. If the County fails to promptly notify the property owner of any such claim, action, or proceeding or fails to cooperate fully in the defense thereof, the property owner shall not thereafter be responsible to defend, indemnify, or hold the county harmless. (Planning and Building Inspection)				
4		PBD022 MITIGATION MONITORING PROGRAM The applicant shall enter into an agreement with the County to implement a Mitigation Monitoring and/or Reporting Plan in accordance with Section 21081.6 of the California Public Resources Code and Section 15097 of Title 14, Chapter 3 of the California Code of Regulations. Compliance with the fee schedule adopted by the Board of Supervisors for mitigation monitoring shall be required and payment made to the County of Monterey at the time the property owner submits the signed mitigation monitoring agreement. (Planning and Building Inspection)	<ol style="list-style-type: none"> 1) Enter into agreement with the County to implement a Mitigation Monitoring Program. 2) Fees shall be submitted at the time the property owner submits the signed mitigation monitoring agreement. 3) As of November 5, 2004, this fee is approximately \$7,844 to monitor 11-30 mitigation measures. (24 for purposes of fee calculation) 	Owner/ Applicant	Prior to issuance of grading and building permits.	
5		PBD012 - FISH AND GAME FEE-NEG. DEC/ EIR Pursuant to the State Public Resources Code, State Fish and Game Code, and California Code of Regulations, the applicant shall pay a fee, to be collected by the County, within five (5) calendar days of project approval – prior to filing of the Notice of Determination. This fee shall be paid on or before the filing of the Notice of Determination. Proof of payment shall be furnished by the applicant to the Director of Planning and Building Inspection prior to the recordation of the tentative map, the commencement of the use, or the issuance of building and/or grading permits, whichever occurs first. The project shall not be operative, vested, or final until the filing fees are paid.	Proof of payment shall be furnished by the applicant to the Director of Planning and Building Inspection prior to the recordation of the tentative map, the commencement of the use, or the issuance of building and/or grading permits, whichever occurs first.	Owner/ Applicant	Prior to the issuance of building and grading permits.	

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
6		PBD026 – NOTICE OF REPORTS Prior to issuance of building or grading permits, a notice shall be recorded with the Monterey County Recorder which states: "A Geotechnical Investigation, Biological Report, Archeological Report, Drainage and Erosion Control Plan, CLOMR "Request for Letter of Map Revision for Carmel River North Overbank County of Monterey, an Amended Biological Report, and a Revegetation Plan have been prepared for this project by numerous professionals, and are on record in the Monterey County Planning and Building Inspection Department Library. All development shall be in accordance with these reports." (Planning and Building Inspection)	Proof of recordation of this notice shall be furnished to PBI.	Owner/ Applicant	Prior to issuance of grading and building permits	
7		Appropriate Demolition, Grading, and Building Permits are required for the project.	All Grading and Building construction plans shall be in substantial conformance with the Planning Commission approval and recommendations contained in the staff report and public testimony received November 17, 2004.	Owner/ Applicant	Ongoing	
8		All improvements shall comply with the California Uniform Food Facilities Law as approved by the Director of Environmental Health. If necessary, submit plans and necessary review fees for review and approval prior to obtaining a building permit/final inspection. (Environmental Health)	Submit plans and necessary review fees for review and approval by the Department of Environmental Health	Owner/ Applicant	Prior to issuance of building permits	
			Field verification of compliance required prior to Occupancy	Owner/ Applicant	Prior to Occupancy	
9		PBD032(A) - TREE PROTECTION Trees, which are located close to the construction site, shall be protected from inadvertent damage from construction equipment by wrapping trunks with protective materials, avoiding fill of any type against the base of the trunks and avoiding an increase in soil depth at the feeding zone or drip line of the retained trees. Said protection shall be demonstrated prior to issuance of building permits subject to the approval of the Director of Planning and Building Inspection. (Planning and Building Inspection)	Submit evidence of tree protection to PBI for review and approval.	Owner/ Applicant	Prior to issuance of grading and building permits	

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
10		No land clearing or grading shall occur on the subject parcel between October 15 and April 15 unless authorized by the Director of Planning and Building Inspection. (Planning and Building Inspection)	Prepare appropriate grading plans for seasonal conditions as required by the County of Monterey.		Ongoing	
11		Building Mounted Sign Area shall be limited to 35 square feet in area per the allowances of Title 21 Zoning Code in the HC-D-S District. Building mounted signage should be accomplished on the northern face of the Safeway Store with either a single line of text "SAFEWAY" not exceeding 35 square feet in area, or may be configured as two of the Standard company logos not exceeding 35 square feet in the aggregate.	As described. Demonstrate identification sign(s) on Building Plan elevations submitted for building permit purposes.	Owner/ Applicant	Prior to issuance of building permits	
12		Final walk-through inspections are required by the Planning and Building Inspection Department (the Planner) for each of the three phases of development. (Planning and Building Inspection)	Upon nearing completion of a given phase, the Owner/ Applicant shall call the project planner for field verification of relevant Conditions of Approval and Implementation of Mitigation Measures.	Owner/ Applicant	Phase I Phase II Phase III	
13		Former MM#33 Included Erroneously in the Transportation/Traffic Section of the Initial Study. Prior to issuance of a certificate of occupancy, the applicant shall provide a written offer, in form subject to the approval of the Water Resources Agency and the Public Works Department to dedicate to Monterey County, County Service Area 50 (CSA-50) an on-site easement for future stormwater pump station and appurtenance piping systems subject to the approval of the Water Resources Agency and Public Works Department. Said offer to dedicate an easement may include a sunset clause permitting reversion of the easement to the owner in the event that the County does not proceed with construction of the pump station within a period of ten years. (Public Works)	As described.	Owner / Applicant	As described	
14		WR40 - WATER CONSERVATION MEASURES The applicant shall comply with Ordinance No. 3932, or as subsequently amended, of the Monterey County Water Resources Agency pertaining to mandatory water conservation regulations. The regulations for new construction require, but are	Compliance to be verified by building inspector at final inspection.	Owner / Applicant	Prior to final building inspection / occupancy	

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
		not limited to: a. All toilets shall be ultra-low flush toilets with a maximum tank size or flush capacity of 1.6 gallons, all shower heads shall have a maximum flow capacity of 2.5 gallons per minute, and all hot water faucets that have more than ten feet of pipe between the faucet and the hot water heater serving such faucet shall be equipped with a hot water recirculating system. b. Landscape plans shall apply xeriscape principles, including such techniques and materials as native or low water use plants and low precipitation sprinkler heads, bubblers, drip irrigation systems, and timing devices. (Water Resources Agency)				
<u>15</u>		WR0014 CONCRETE SLAB INSPECTION (WR) Prior to the foundation pre-pour inspection, the applicant shall provide the Water Resources Agency a FEMA Elevation Certificate completed by a registered civil engineer or licensed land surveyor, certifying the forms have been set at a height that will ensure the minimum lowest floor elevation requirement. (Water Resources Agency)	As Described.	Owner / Applicant	Prior to the foundation pre-pour inspection.	
<u>16</u>		WR0025 STREAM SETBACK (WR) The proposed development shall be setback at least 200 feet from the “top of bank”, as defined in Chapter 16.16 of the Monterey County Code, unless it can be proven to the satisfaction of the Water Resources Agency that the proposed development will be safe from flow-related erosion hazards and will not significantly reduce the capacity of the existing watercourse. The top of bank shall be defined by a professional engineer and shown on the site plan prior to issuance of any grading or building permits. (Water Resources Agency)	Confer with the Water Resources Agency. Compliance with this condition of approval is already evident on plans and accepted by the Water Resources Agency.	Owner / Applicant	Prior to issuance of grading and building permits	
<u>17</u>		WR0016 ELEVATION CERTIFICATE (WR) Prior to final inspection, the applicant shall provide the Water Resources Agency a FEMA Elevation Certificate, based on finished construction, completed by a registered civil engineer, or licensed surveyor certifying the structure has been constructed in accordance with Chapter 16.16 of the Monterey County Code. (Water Resources Agency)	As Described		Prior to Final Building Inspection / Occupancy	

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)																
18		The applicant shall accommodate an MST transit stop within the Crossroads Shopping Village that will provide convenient and safe access for passengers. Design plans for transits stops and shelters shall be reviewed and approved by Planning and Building Inspection Department staff prior to their installation and shall draw from the materials, colors, and architectural treatments of the Crossroads Shopping Village. (Planning Commission 11/17/2004)	Design plans for transit stops and shelters shall be submitted for review and approval prior to occupancy of the new grocery store. Shelters and transit stop(s) shall be constructed and established upon completion of Phase II: the demolition of the old grocery store and construction of parking areas and drive paths.		Prior to occupancy of the new grocery store Installation Upon Completion of Phase II																	
	1	MM#1. Aesthetic Impacts. In order to mitigate potential impacts to Aesthetic Resources by the loss of mature and contributing trees, the applicant shall retain and protect the following trees during construction and then replant them in designated areas in front of the new grocery store façade as shown on plans submitted by the applicant. (Plan shown on Page 21 of 49 of the Initial Study) Pine trees numbered a) and o) are to remain in their current locations. <table><tr><th>Trees # to be Retained</th><th>Size, Type and Disposition</th></tr><tr><td>a)</td><td>30” pine to be retained in place</td></tr><tr><td>j)</td><td>15” oak saved and moved to façade</td></tr><tr><td>l)</td><td>20” oak saved and moved to façade</td></tr><tr><td>n)</td><td>12” oak saved and moved to façade</td></tr><tr><td>o)</td><td>30” pine retained in place</td></tr><tr><td>p)</td><td>8” oak saved and moved to façade</td></tr><tr><td>q)</td><td>14” oak saved and moved to façade</td></tr></table> Prior to issuance of Grading and Building Permits, the applicant shall submit a separate landscape plan for review and approval that will screen the front or outer row of vehicles visible to Highway One.	Trees # to be Retained	Size, Type and Disposition	a)	30” pine to be retained in place	j)	15” oak saved and moved to façade	l)	20” oak saved and moved to façade	n)	12” oak saved and moved to façade	o)	30” pine retained in place	p)	8” oak saved and moved to façade	q)	14” oak saved and moved to façade	Timing. While the new grocery store may open for business (Phase I) prior to demolition of the old grocery store (Phase II), preventing the installation of final landscaping, all mitigation trees as listed, shall be installed prior to the applicant commencing with Phase III of the project, the demolition of the existing Mall areas and remodeling of Longs Drugs.	Owner / Applicant with guidance by a certified arborist or Landscape specialist.	As described	
Trees # to be Retained	Size, Type and Disposition																					
a)	30” pine to be retained in place																					
j)	15” oak saved and moved to façade																					
l)	20” oak saved and moved to façade																					
n)	12” oak saved and moved to façade																					
o)	30” pine retained in place																					
p)	8” oak saved and moved to façade																					
q)	14” oak saved and moved to façade																					

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
	11-15	<p><u>MM#11-15. Biological Impacts.</u> Incorporation of the following mitigation measures, recommended by the project biologist, will assure a <i>less than significant impact to biological resources</i>:</p> <p>11. In the removal of vegetation necessary for reconstruction of the levee, save and stockpile wood chips from the removed trees to be used in dressing over the new levee construction.</p> <p>12. Save the top one foot of soil, minus trashy fill, for dressing over the reconstructed levee.</p> <p>13. Replace removed willow trees and native shrubs following a Mitigation Plan (The Revegetation Plan, see below).</p> <p>14. Remove on a continual basis introduced forbs, shrubs, and trees that will with certainty appear in the area of revegetation. This includes Ice Plant, French Broom, Pampas Grass, Kikuyu Grass, all eucalyptus and Acacia trees. Do this for a period of five years following planting.</p> <p>15. Replace any trees or shrubs that may die or be removed for a Five-year period following initial planting.</p>	<p>The applicant shall submit a Formal Landscape Plan that also addresses the removal of vegetation necessary for the reconstruction of the levee, as described herein. The plan shall describe how each of the measures 11- 15 will be accomplished and implemented.</p> <p>The formal landscape plan shall also describe the Five Year maintenance program to be employed to assure survival of desired materials and the removal of non-natives. A yearly one or two page report shall be submitted to the County of Monterey describing that year's maintenance and success or failure of plantings.</p> <p>A responsible party for ongoing maintenance shall be identified (such as Carmel Valley Partners, or the Safeway Co. for example.)</p>	Owner / Applicant	<p>Prior to Issuance of Grading and Building Permits</p> <p>Year 1 yes /no</p> <p>Year 2 yes /no</p> <p>Year 3 yes /no</p> <p>Year 4 yes /no</p> <p>Year 5 yes /no</p>	
	16	<p><u>MM#16 Biological Impacts.</u> Implement the "Revegetation Plan for a Reconstructed Levee at the Crossroads Shopping Center, 243 Crossroads Blvd., Carmel California 93923. APN: 009-562-034, 35, 36, by Vernal L. Yadon, dated August 31, 2004"</p>	Implement and install this plan as described in detail in the Initial Study for the Crossroads Shopping Village Remodel and Expansion, Pages 27 and 28 of 49.	Owner / Applicant	Prior to Demolition of the Store in Phase II	
	17	<p><u>MM#17 Biological Impacts.</u> To mitigate potential illegal dumping in the Carmel River during reconstruction of the Carmel River bank levy, the applicant shall present a security and restricted access plan for review and approval to the Planning and Building Inspection Department prior to such activities on the levy.</p>	As described.	Owner / Applicant	Prior to issuance of Grading Permits	

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
	18-19	<u>MM#18-19 Cultural Resources.</u> At least one qualified archaeological monitor shall be present during construction activities that involve native soil disturbance. If human remains or intact cultural features are discovered during construction, work shall be halted within 50 meters (165 feet) of the find until it can be evaluated by the monitor and/or principal Archaeologist and appropriate mitigation measures formulated and implemented. If suitable materials are recovered during monitoring, at least one radiocarbon date shall be obtained as mitigation for incidental impacts on prehistoric resources.	Stop work within 50 meters (165 feet) of uncovered resource and contact the Monterey County Planning and Building Inspection Department and a qualified archaeologist immediately if cultural, archaeological, historical, or paleontological resources are uncovered. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery.	Owner/ Applicant	Ongoing	
	20	<u>MM#20 Geology and Soils.</u> All recommendations contained in the Geotechnical Investigation and additional geotechnical information submitted by Haro, Kasunich and Associates, Inc., in the form of three technical letters to project Architect Ray Parks, January 21, 2003, July 10, 2003 and March 16, 2004 (Sources 17 a, c, d). shall be implemented.	The applicant shall present a letter from Haro, Kasunich and Associates, Inc., verifying and acknowledging that they have reviewed all plans submitted for construction and that all are consist with their Geotechnical recommendations.	Owner/ Applicant	Prior to Grading Permits Prior to Building Permits	
	21	<u>MM#21 Hydrology and Water Quality.</u> A drainage plan shall be prepared by a registered civil engineer addressing on-site and off-site impacts, to include oil-grease/water separators for the paved parking areas, and shall incorporate all recommendations contained in the Geotechnical Investigation and additional geotechnical information submitted. Necessary improvements shall be constructed in accordance with approved plans. (Water Resources Agency)	As described.	Owner/ Applicant	Prior to issuance of Demolition, Grading and/or Building Permits	
	22	<u>MM#22 Hydrology and Water Quality.</u> Owner shall record a notice stating that "The property is located within or partially within a floodplain and may be subject to building and/or land use restrictions." A copy of the recorded notice shall be provided to the County Water Resources Agency. (Water Resources Agency)	Submit evidence to the PBI Department that the Notice has been recorded and provided to the Water Resources Agency.	Owner/ Applicant	Prior to issuance of Grading and/or Building Permits	

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
	23	<u>MM#23 Hydrology and Water Quality.</u> Lowest floor and attendant utilities, for the new Safeway Building, shall be constructed at least <u>27.5</u> feet above mean sea level (NGVD 1929). To provide for the flood proofing and certification of the lowest floor elevation, a reference marker set to the elevation of the lowest floor shall be established at the building site by a licensed land surveyor prior to start of construction. An elevation certificate for the finished floor shall be completed by a registered civil engineer or licensed surveyor and provided to the County Water Resources Agency prior to the inspection and approval of the building foundation by the building inspector. (Water Resources Agency)	As described.	Owner / Applicant	As Described	
	24	<u>MM#24 Hydrology and Water Quality.</u> Prior to the issuance of a building permit, the applicant shall obtain from the Monterey County Water Resources Agency (MCWRA), proof of water availability on the property in the form of an approved Water Release Form. (Water Resources Agency)	As described.	Owner / Applicant	Prior to Building Permit	
	25	<u>MM#25 Hydrology and Water Quality.</u> The project applicant shall implement best management practices (BMPs) to attenuate flood flows in accordance with the Monterey County Erosion Control Ordinance. (Planning and Building Inspection)	As described.	Owner / Applicant	Prior to Issuance of Grading Permit	
	26	<u>MM#26 Hydrology and Water Quality.</u> Develop and implement a Stormwater Pollution Prevention Plan. The project applicant shall develop and implement a stormwater pollution prevention plan (SWPPP) and submit a NOI and a \$500 fee to the RWQCB to discharge stormwater in compliance with the NPDES general construction activity stormwater discharge permit. The SWPPP must be posted at the construction site and be available for inspection by the RWQCB. Compliance with the general permit process is based on the honor system. However, owners of active construction projects without an NOI on file with the SWRCB or without an SWPPP in place and discharging stormwater are in violation of the CWA. Failure to comply may result in fines up to \$25,000 per day of violation and imprisonment. The State of California may bring forth civil and criminal penalties under the Porter-Cologne Water Quality Control Act. (Planning and Building Inspection)	As described.	Owner / Applicant	Prior to Issuance of Grading Permit	

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
	27	<p><u>MM#27 Hydrology and Water Quality.</u> Implement BMPs to control urban pollutants. Implementation of the following practices would reduce impacts to less than significant levels by controlling urban pollutant loadings (Planning and Building Inspection):</p> <p>a. The project applicant shall implement BMPs to reduce urban pollutant loadings. These measures include using vegetative buffer strips, oil and grease traps, sediment traps, and street sweeping.</p> <p>b. The project applicant shall implement a maintenance schedule to inspect structural BMPs and remove accumulated sediments and debris.</p>	As described.	Owner / Applicant	Prior to Issuance of Grading Permit	
	28	<p><u>MM#28 Transportation/Traffic.</u> Prior to the issuance of a building permit, the Applicant shall pay to Monterey County \$6,800 as payment of the project's pro rata share of the cost of a future traffic signal installation at the intersection of Rio Road at Carmel Rancho Boulevard. (Public Works)</p>	Submit evidence to the PBI Department that these items have been paid to the Public Works Department.	Owner / Applicant	Prior to Issuance of Grading and Building Permits	
	29	<p><u>MM#29 Transportation/Traffic.</u> Prior to the issuance of a building permit, the Applicant shall pay to Monterey County the Carmel Valley Road Traffic Impact Mitigation Fee in effect at the time of payment. The Department of Planning & Building Inspection shall determine the square footage by which the fee is calculated. The fee is presently \$4,985 per 1000 s.f. and is updated annually. (Public Works)</p>	Submit evidence to the PBI Department that these items have been paid to the Public Works Department.	Owner / Applicant	Prior to Issuance of Grading and Building Permits	
	30	<p><u>MM#30 Transportation/Traffic.</u> Prior to the issuance of a building permit, the Applicant shall pay to Monterey County \$4,530 as payment of the project's pro rata share of the cost of short-term operational improvements to State Highway One Climbing Lane. (Public Works)</p>	Submit evidence to the PBI Department that these items have been paid to the Public Works Department.	Owner / Applicant	Prior to Issuance of Grading and Building Permits	

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
	31	<u>MM#31 Transportation/Traffic.</u> Prior to the issuance of a building permit, the Applicant shall pay to Monterey County \$98,630 as payment of the project's pro rata share of the cost of future long-term improvements to State Highway One. (Public Works)	Submit evidence to the PBI Department that these items have been paid to the Public Works Department.	Owner / Applicant	Prior to Issuance of Grading and Building Permits	
	32	<u>MM#32 Transportation/Traffic.</u> Prior to the issuance of a certificate of occupancy for the project, the Applicant shall enter into an agreement with the County to construct, at Applicant's sole cost, standard concrete sidewalk, including handicap ramps, along the southerly frontage of Rio Road between Highway One and the most westerly shopping center driveway upon demand of the Public Works Director when the Highway One climbing lane between Rio Road and Carmel Valley Road is constructed or within five years of the approval of this permit, whichever occurs first. (Public Works).	As described. Prior to construction, the applicant shall obtain encroachment permits from CalTrans and the Monterey County Public Works Department. The Department of Public Works will facilitate the CalTrans encroachment permit process on behalf of the applicant.	Owner / Applicant	As described	
	33	Removed as a Mitigation Measure and placed as Condition of Approval #12 above. See discussion in Nov 17, 2004 report.	No Action required.			
	34	<u>MM#34 Transportation/Traffic.</u> All driveways and internal circulation shall be approved by the Department of Public Works.		Owner / Applicant	Prior to Final of Phase II	
	35	<u>MM#35 Transportation/Traffic.</u> Prior to issuance of a building permit, the applicant shall submit a Construction Logistics Plan for review and approval by the Public Works and Planning and Building Inspection Departments. The construction logistics plan shall include the following information: a. <u>A narrative describing the following:</u> <ul style="list-style-type: none"> Proposed truck routes; Estimated number of daily truck trips; Estimated duration (in months) of the overall 	As Described	Owner / Applicant	Prior to Issuance of Building Permit	

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
		<p>construction period as well as each phase;</p> <ul style="list-style-type: none"> • Maximum number of construction workers that will be on the site on a daily basis during each phase; • Proposed strategy for disseminating information regarding construction activities to employees, customers and the general public; and • Estimated volume and type of materials that will be generated by the demolition activities. Indicate where the materials will be disposed, number of truck trips and whether any of the demolition materials will be recycled. • methodologies to reduce exhaust exposure during construction. (See MM#36) <p>b. <u>Scaled site plan for each phase showing the following:</u></p> <ul style="list-style-type: none"> • Limits of construction work during each phase; • Location of any on-site construction staging areas and/or storage areas; • Access and circulation (both vehicular and pedestrian) for construction vehicles and customers; • Pedestrian circulation; and • Number and location of parking spaces for construction workers, employees, and customers. <p>c. <u>The site plan for each phase shall include a summary table with the following information:</u></p> <ul style="list-style-type: none"> • Total floor area (in square feet) of tenant space that will be open during each phase; • Total number of parking spaces available during each phase and the number of spaces required by Code during that phase; • total number of parking spaces that will be available for customers and employees during each phase; • total number of construction workers anticipated during each phase; and number of parking spaces that will be needed for parking of construction worker's private vehicles during each phase. 				

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
	36	<p><u>MM#36 Air Quality.</u> Following circulation of the Initial Study, a concern for the temporary exposure to diesel exhaust by employees at the shopping center and neighbors across Hwy 1 was raised by the MPUAPCD. The following mitigation measure is added to assure a less than significant potential impact in this regard.</p> <p>A report shall be prepared by the applicant that discloses the amount, type, and location of diesel powered construction equipment so a screening level analysis can be undertaken regarding exposure to diesel exhaust by employees at the shopping center and neighbors across Hwy 1.</p>	<p>The applicant shall contact David Craft at the MBUAPCD at 831-647-9411 regarding the information that is needed and methodology for a screening level analysis.</p> <p>The applicant shall incorporate into the Phased Construction Logistics Plan, as required by Mitigation Measure #35 above - the appropriate methodologies to reduce exhaust exposure during construction.</p>	Owner / Applicant	With submittal of the Phased Constructio n Logistics Plan MM#35 above	